

**CIVIL COVER SHEET**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

CENTER FOR BIOLOGICAL DIVERSITY; ENVIRONMENTAL PROTECTION INFORMATION CENTER

**(b) County of Residence of First Listed Plaintiff** Pima County, AZ  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**

Jennifer L. Loda, Center for Biological Diversity  
1212 Broadway, Ste. 800; Oakland, CA 94612-1810; (510) 844-7136

Ryan Adair Shannon, Center for Biological Diversity

P.O. Box 11374; Portland, OR 97211-0374; (503) 283-5474 ext. 407 (seeking admission Pro Hac Vice)

**DEFENDANTS**

DAVID BERNHARDT, Secretary of the U.S. Department of the Interior; AURELIA SKIPWITH, Director, U.S. Fish and Wildlife Service; U.S. FISH AND WILDLIFE SERVICE

**County of Residence of First Listed Defendant** Washington, D.C.  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |   |   |
|---|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff            | <input type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)          |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	422 Appeal 28 USC § 158	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability	423 Withdrawal 28 USC § 157	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	330 Federal Employers' Liability	<b>LABOR</b>	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	340 Marine	368 Asbestos Personal Injury Product Liability	710 Fair Labor Standards Act	430 Banks and Banking
151 Medicare Act	345 Marine Product Liability	<b>PERSONAL PROPERTY</b>	720 Labor/Management Relations	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	350 Motor Vehicle	370 Other Fraud	740 Railway Labor Act	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	355 Motor Vehicle Product Liability	371 Truth in Lending	751 Family and Medical Leave Act	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	360 Other Personal Injury	380 Other Personal Property Damage	790 Other Labor Litigation	480 Consumer Credit
190 Other Contract	362 Personal Injury -Medical Malpractice	385 Property Damage Product Liability	791 Employee Retirement Income Security Act	485 Telephone Consumer Protection Act
195 Contract Product Liability	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	490 Cable/Sat TV
196 Franchise	440 Other Civil Rights	<b>HABEAS CORPUS</b>	861 HIA (1395ff)	850 Securities/Commodities/ Exchange
<b>REAL PROPERTY</b>	441 Voting	463 Alien Detainee	862 Black Lung (923)	890 Other Statutory Actions
210 Land Condemnation	442 Employment	510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	891 Agricultural Acts
220 Foreclosure	443 Housing/ Accommodations	530 General	864 SSID Title XVI	893 Environmental Matters
230 Rent Lease & Ejectment	445 Amer. w/Disabilities– Employment	535 Death Penalty	865 RSI (405(g))	895 Freedom of Information Act
240 Torts to Land	446 Amer. w/Disabilities–Other	<b>OTHER</b>	<b>FEDERAL TAX SUITS</b>	896 Arbitration
245 Tort Product Liability	448 Education	540 Mandamus & Other	870 Taxes (U.S. Plaintiff or Defendant)	899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property		550 Civil Rights	871 IRS–Third Party 26 USC § 7609	950 Constitutionality of State Statutes
		555 Prison Condition		
		560 Civil Detainee– Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation–Transfer | <input type="checkbox"/> 8 Multidistrict Litigation–Direct File |
|---|---|--|---|--|--|---|

**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Endangered Species Act, 16 U.S.C. §§ 1531-1544

Brief description of cause:

Agency failure to issue a timely final determination on the proposed listing of a distinct population segment of Pacific marten under the ESA

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.  DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE Hon. Jon S. Tigar

DOCKET NUMBER 3:15-cv-05754-JST

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 05/04/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jennifer L. Loda